IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2314 OF 2006

Shramik Utkarsha Sabha — Petitioner
vs.
Engineering Mazdor Sabha & ors. — Respondents

Mr.S.K.Salsani, Sr.Counsel with Mr.P.M.Palshikar fior the petitioner.

Mr.Arshad Shaikh i/b.M/s.Sanjay Udeshi & Co. for respondent no.1.

Mr.R.V.Paranjpe for respondent no.2.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 9th October, 2006

P.C.

Rule. Heard forthwith.

2. The Industrial Court by order dated 11th September, 2006 has rejected the arguments advanced on behalf of the petitioner herein in the matter of a reference which is pending. While doing so, however, observed that under Section 14 of the MRTU & PULP Act, 1971 what is to be considered by the Court is whether the applicant-Union has the largest membership of the employees. The respondent-Union had pleaded that they had not instigated, aided or assisted any strike amongst the employees of the undertakings for which recognition is sought. This was denied by the petitioner-Union. An

application for recognition also requires cancellation of the recognition of the Union apart from Section 14 of the MRTU & PULP, the Industrial Court is also bound to consider Section 12 of the MRTU & PULP Act.

3. Considering the above the finding of the Tribunal on the point that only Section 14 has to be considered discloses an error of law apparent on the face of the record. The Tribunal is bound to consider also the requirement of Section 12 of the Act. Having said so, the petition is disposed of with a direction to the Tribunal to consider all contentions relevant for recognition of a Union.

4. In the light of that the petition disposed of in the aforesaid terms. To that extent rule is partly made absolute. No costs.

. All parties to act on an authenticated copy of this order.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)